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EXAMINER

SHEPARD, JUSTIN E

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/898,014	Applicant(s) MAMEDA, KENJI	
	Examiner Justin E. Shepard	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 7-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/24/06 has been entered.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Portuesi.

Referring to claim 8, Portuesi discloses a separation unit separating video data, video associated data, and button data linked with the video associated data from broadcast wave (fig. 5, element 68; column 9, lines 35-58; column 6, lines 30-42);

a memory that accumulates the separated button data (figure 3, box 30; column 6, lines 25-30);

a display unit displaying the video separated by said separation unit (display window 28, Figure 4; hotspot 40, Figure 4);

a communication unit receiving a command from an external apparatus requesting for the video associated data, and transmitting the video associated data to the external apparatus to be displayed on the external apparatus (fig. 5, element 52 transmits information that element 56 requests; Element 56 then displays the information on element 70).

Claim Rejections - 35 USC § 103

Claims 1, 2, 9, 12, 17, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Portuesi in view of Blackketter.

Referring to claim 1, Portuesi discloses a separation unit separating, from a broadcast wave, video data, video associated data and button data linked with the video associated data (fig. 5, element 68; column 9, lines 35-58; column 6, lines 30-42);

a memory that accumulates the separated button data (figure 3, box 30; column 6, lines 25-30); and

a display unit displaying a video based on the video data, and also displaying a button associated with the button data as the video changes in a course of a program, the display unit further displaying the linked video associated data when the button is selected by a user (fig. 4, element 28; hotspot 40 (claimed button); Display Window 28

unit displays Caption 34 corresponding to selecting hotspot 40; column 6, lines 34-37; link 32 is display only for a specific period of time; column 6, lines 3-30).

Portuesi does not disclose a unit wherein a button is selected by a user from the memory among the accumulated button data.

Blackketter discloses a unit wherein a button (the selectable icon that appears after the execution of the trigger (column 8, lines 49-53) is interpreted as being equivalent to a button) is selected by a user from the memory among the accumulated button data (column 8, lines 38-45 and 49-53).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the retrieving the trigger from memory, as taught by Blackketter, in the unit disclosed by Portuesi. The motivation would have been to enable the triggers to be sent during low bandwidth periods.

Referring to claim 2, Portuesi discloses an infrared receive unit receiving a command from an external source through infrared radiation (there inherently exists a cursor move unit, since there is a pointer 38 (cursor) as shown in Figure 4);

button retrieval unit retrieving a button located at a position of said cursor (there inherently exists a claimed button retrieval unit since there is a hotspot 40 (button), Figure 4);

wherein said display unit displays video associated data corresponding to the button retrieved by said button retrieval unit (Display Window 28 unit displays Caption 34 corresponding to selecting hotspot 40; column 6, lines 34-37).

Portuesi does not disclose retrieving the button from the memory containing the accumulated button data.

Blackketter discloses retrieving the button from the memory containing the accumulated button data (column 8, lines 38-45 and 49-53).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the retrieving the trigger from memory, as taught by Blackketter, in the unit disclosed by Portuesi. The motivation would have been to enable the triggers to be sent during low bandwidth periods.

Although the Portuesi reference fails to disclose an infrared receive unit, the examiner gives Official Notice that it is notoriously well known in the art to utilize an infrared receiving pointing device such as the TV receiver remote control, which thereby gives existence to an infrared receive unit. Accordingly, it would have been clearly obvious to one of ordinary skill in the art to modify the Portuesi reference to use an infrared device, which effectively makes necessary the existence of an infrared receive unit.

Referring to claim 9, Portuesi discloses a still picture production unit producing still picture from the video data, wherein said communication unit transmits button data, and the still picture produced by said still picture production unit to the external apparatus to be displayed on the external apparatus (fig. 5, element 52 transmits information that element 56 requests; Element 56 then displays the information on element 70).

Portuesi does not disclose a unit wherein a button is retrieved from the memory among the accumulated button data.

Blackketter discloses a unit wherein a button is retrieved from the memory among the accumulated button data (column 8, lines 38-45 and 49-53).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the retrieving the trigger from memory, as taught by Blackketter, in the unit disclosed by Portuesi. The motivation would have been to enable the triggers to be sent during low bandwidth periods.

Referring to claim 12, Portuesi discloses a communication unit receiving data and an image from an external apparatus, the external apparatus having a separation unit separating, from a broadcast wave, video as a source of the image, video associated data, and button data linked with the video associated data (fig. 5, element 68; column 19, lines 35-58; column 6, lines 30-42);

a memory that accumulates the separated button data (figure 3, box 30; column 6, lines 25-30);

a display unit displaying the image received by said communication unit and displaying a button on said image based on the button data; a select unit selecting a button displayed by said display unit, said display unit displaying the video associated data corresponding to the button selected by said select unit (fig. 4, element 28., hotspot 40 (claimed button); Display Window 28 unit displays Caption 34 corresponding to selecting hotspot 40; column 6, lines 34-37; link 32 is display only for a specific period

of time; column 6, lines 3-30; hotspot selection (button selection); column 6, lines 34-36).

Portuesi does not disclose a controller with a button retrieval unit retrieving button data associated with the button selected by the select unit from the memory among the accumulated button data.

Blackketter discloses a controller with a button retrieval unit retrieving button data associated with the button selected by the select unit from the memory among the accumulated button data (column 8, lines 38-45 and 49-53).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the retrieving the trigger from memory, as taught by Blackketter, in the unit disclosed by Portuesi. The motivation would have been to enable the triggers to be sent during low bandwidth periods.

Referring to claim 17, Portuesi discloses a broadcast apparatus superposing video and data on a broadcast wave for transmission ; a broadcast receiver apparatus receiving the broadcast wave transmitted from said broadcast apparatus (figs. 1 , 4, 5; column 9, lines 35-58); said broadcast receiver apparatus including,

a separation unit separating video data and button data linked with the video associated data from data included in the broadcast wave transmitted from said broadcast apparatus (fig. 5, element 68; column 9, lines 35-58; column 6, lines 30-42);

a memory that accumulates the separated button data (figure 3, box 30; column 6, lines 25-30);

a display unit displaying the video based on the video data, and displaying a button associated with the button data (display window 28, Figure 4, hotspot 40 (claimed button), Figure 4);

a select unit selecting a button displayed by said display unit in response to designation from said remote controller (inherent in a system that allows hotspot selection (button selection); column 6, lines 34-36);

wherein said display unit displays the video associated data corresponding to a button selected by a user (Display Window 28 unit displays Caption 34 corresponding to selecting hotspot 40; column 6, lines 34-37).

Portuesi does not disclose a button retrieval unit retrieving button data associated with the button selected by the select unit from the memory among the accumulated button data.

Blackketter discloses a button retrieval unit retrieving button data associated with the button selected by the select unit from the memory among the accumulated button data (column 8, lines 38-45 and 49-53).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the retrieving the trigger from memory, as taught by Blackketter, in the unit disclosed by Portuesi. The motivation would have been to enable the triggers to be sent during low bandwidth periods.

Although the Portuesi reference does not specifically disclose a remote control, the examiner gives Official Notice that it is notoriously well known in the art to utilize an infrared receiving pointing device such as the TV receiver remote control. Accordingly, it

would have been clearly obvious to one of ordinary skill in the art to modify the Portuesi reference to use an infrared device.

Referring to claim 18, Portuesi discloses a separation unit separating, from a broadcast wave, video, video associated data, and button data linked with the video associated data the button data including button coordinates and expiration data associated with characters or objects entering in the video; and (fig. 5, element 68; column 9, lines 35-58; column 6, lines 30-42; figs. 3, 4; link 32 is played only for a specific period of time);

a memory that accumulates the separated button data (figure 3, box 30; column 6, lines 25-30);

a display unit displaying the video, and also displaying a button placed at the coordinates associated with the characters or the objects entering in the video for a period of time determined by the button expiration data, the display unit further displaying the linked video associated data when the button is selected by a user (fig. 4, element 28; hotspot 40 (claimed button); Display Window 28 unit displays Caption 34 corresponding to selecting hotspot 40; column 6, lines 34-37; link 32 is display only for a specific period of time; column 6, link 3-30; fig. 5, element 68; column 9, lines 35-58); column 6, lines 30-42; figs. 3, 4).

Portuesi does not disclose retrieving the button data associated with the selected button from the memory among the accumulated button data.

Blackketter discloses retrieving the button data associated with the selected button from the memory among the accumulated button data (column 8, lines 38-45 and 49-53).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the retrieving the trigger from memory, as taught by Blackketter, in the unit disclosed by Portuesi. The motivation would have been to enable the triggers to be sent during low bandwidth periods.

Referring to claim 19, Portuesi discloses wherein button data further includes an area associated with the characters or the objects and said display unit further displays the area associated with the characters or the objects entering in the video as the button (fig. 4, element 28; hotspot 40; Display Window 28 unit displays Caption 34 corresponding to selecting hotspot 40; column 6, lines 34-37; link 32 is display only for a specific period of time; column 6, lines 3-30; fig. 5, element 68; column 9, lines 35-58; column 6, lines 30- 42; figs. 3, 4).

Claims 10, 11, and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Portuesi in view of Narayan in further view of Blackketter.

Referring to claim 10, Portuesi discloses the claimed separation unit and display unit are met as discussed in claim 8.

a first communication unit receiving an externally applied command from an external apparatus provided separately from the broadcast receiver apparatus and

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operated by a user to transmit the button data ('user input device...which can comprise a keyboard and a mouse or other pointing device' (4, 40-43) ; URL Window 30, Figure 3);

Although Portuesi does not specifically disclose receiving an electronic mail from the external apparatus, Narayan teaches an email function and button as shown in fig. 4. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Portuesi with White so as to send and receive email in the URL window 28 after user selects a hotspot.

A second communication unit transmitting the electronic mail received by said first communication unit (since email can be accessed, there is effectively exists the communication unit).

Portuesi and Narayan do not disclose a unit that extracts button data from memory.

Blackketter discloses a unit that extracts button data from memory (column 8, lines 38-45 and 49-53).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the retrieving the trigger from memory, as taught by Blackketter, in the unit disclosed by Portuesi. The motivation would have been to enable the triggers to be sent during low bandwidth periods.

Referring to claim 11, Portuesi discloses a still picture production unit producing a still picture from the video separated by said separation unit (still pictures as discussed in claim 8 and Movie File with Embedded URLs 60),

wherein said first communication unit transmits the button data included in the data separated by said separation unit and the still picture produced by said still picture production unit to the external apparatus (The communication unit as explained in claimed 10 inherently transmits the hotspot 40 information (button information) and still picture as previously discussed to the display window 28).

Referring to claim 13, Portuesi discloses the claimed communication unit is met by that described in claim 12 and claim 10 for "receiving data and an image" and "transmitting electronic mail" respectively, the claimed display unit and select unit are met by that discussed in claim 12, the claimed mail production unit is met by that discussed in claim 10 since the button data retrieved by the button retrieval unit in claim 10 will have the same effect as the data that is retrieved by the select unit.

Claims 14, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Portuesi, Narayan, and Blacketter as applied to claim 13 above, and further in view of Shaw.

As to claim 14, Portuesi does not specifically disclose using a template to produce email. Shaw discloses clicking on a button, which opens a screen and creates a template for an email message (column 18, lines 1-5). Accordingly, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to modify Portuesi in view of Narayan with Shaw so as to 'enable the user to easily compose an email message' (column 6, lines 14-25).

As to claim 15, Portuesi does not specifically disclose using a button including a mail address. Shaw discloses email produced with mail address include in button data (column 18, lines 1-5). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Portuesi in view of Narayan with Shaw so as to produce email to "enable the user to easily compose an email message" (column 6, lines 20-25).

As to claim 16, Portuesi does not specifically disclose the user information managing unit. Shaw et al. discloses that "existing email networks determine at the server side and while the user is online who the user is and that user's mail server" (3, 1-3)', a "member profile stored at the server system 104 on the database management system 106 (12, 46-60).

Accordingly, it would have been clearly obvious to one of ordinary skill in the art to modify the Portuesi reference to use an information managing unit "to aid in selecting or targeting advertisements and email messages...to desired users" (46-60).

Claims 3, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Portuesi in view of White.

Referring to claim 3, Portuesi discloses a separation unit separating, from a broadcast wave, video, video associated data, and button data linked with the video associated data (URL Decode Unit 68 (9, 38-42)., Figure 5);

a memory that accumulates the separated button data (figure 3, box 30; column 6, lines 25-30);

a display unit displaying the video separated by said separation unit, and displaying a button on said video based the button data (display window 28, Figure 4; hotspot 40 (claimed button), Figure 4);

Portuesi does not specifically disclose the button data including a mail address and button information for mail body provided by a broadcaster, and the claimed mail production and transmission unit. White discloses the button data including a mail address and button information for mail body provided by a broadcaster and mail production and transmission unit (the user can e-mail a question and just hit Return (0070)). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Portuesi with White so as to create an email by hitting Return, instead of having to compose an email entirely from scratch (0070).

As to claim 5, White discloses said mail production unit produces said electronic mail using a template included in button data corresponding to the button retrieved by said button retrieval unit (the user can e-mail a question and just hit Return (0070)).

As to claim 7, White discloses said mail production unit produces said electronic mail based on user information under control of said user information managing unit (the user can e-mail a question and just hit Return (0070)).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Portuesi in view of White as applied to claim 3 above, and further in view of Blackketter.

As to claim 4, the infrared receive unit, cursor move unit, and button retrieval unit are met as discussed in claim 2.

Portuesi and White do not disclose an apparatus with a button retrieval unit for retrieving a button from memory.

Blackketter discloses an apparatus with a button retrieval unit for retrieving a button from memory (column 8, lines 38-45 and 49-53).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the retrieving the trigger from memory, as taught by Blackketter, in the unit disclosed by Portuesi. The motivation would have been to enable the triggers to be sent during low bandwidth periods.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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